

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

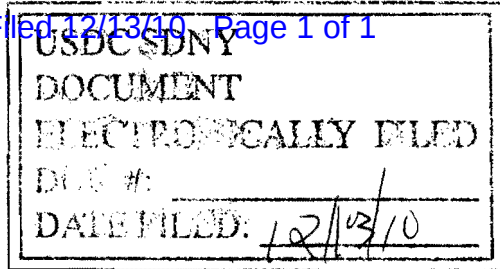
----- X  
BURT BILLINGER,

Plaintiff,

-v-

DAVID BALLONE, et al.,

Defendantss.  
----- X



10 Civ. 3703 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On November 2, 2010, the Honorable Ronald L. Ellis, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that plaintiff's action be dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons stated therein, dismisses the complaint without prejudice.

The Clerk of the Court to directed to enter judgment.

SO ORDERED.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
December 9, 2010